

6.8 STUDENT CIVIL RIGHTS, INCLUDING RELIGIOUS RIGHTS, AND LEGAL SERVICES

PURPOSE

- P1. To ensure the protection of students' civil rights, including religious rights, and promote an environment free from discrimination and harassment.
- P2. To provide students with access to legal assistance.
- P3. To provide students with the opportunity to exercise their religious rights.

REQUIREMENTS

R1. Student Rights

- a. Centers and OA/CTS contractors shall inform all applicants and students of their rights and protections regarding civil rights, including disability accommodations (see R.2. below), sexual harassment (see R3 below), religious rights (see R4. below), and nondiscrimination (see Appendix 602). At a minimum, centers and contractors must provide applicants and students with the equal opportunity notice set forth in 29 CFR 37.30 (See Exhibit 6-11). The notice must be included in each student's file, and provided in alternate formats upon request to applicants and students with visual impairments. Where an alternate-format notice has been provided, a record that such a notice has been given must also be made a part of the student's file.

- b. **Staff Training**

Job Corps centers must ensure that all Job Corps center staff are fully apprised of, and annually trained in, requirements regarding civil rights, including religious rights. See Exhibit 5.4

R2. Disability Accommodations

- a. Accommodations for applicants and students with disabilities. All applicants and students with disabilities must be provided the opportunity to request and receive reasonable accommodation in accordance with Section 188 of the Workforce Investment Act of 1998, Section 504 of the Rehabilitation Act of 1973, and their implementing regulations.

- b. Definition of disability. For accommodation purposes, a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities.¹ Appendix 605 contains information explaining this definition, and related requirements, in detail. Whether a particular person has an impairment that satisfies this definition, and whether a specific accommodation is appropriate for a particular person, must be determined on a case-by-case basis, by someone with appropriate expertise in the field.

R3. Sexual Harassment Training

Centers shall provide students regular proactive education on sexual harassment, appropriate behavior, appropriate staff/student boundaries, and consequences.

R4. Religious Activities / Treatment of Religious Organizations

Job Corps places a high value on the right of students in the Job Corps to exercise their religious freedom. As detailed in Sections a-h, below, Job Corps centers are required to allow students to engage in religious activities on center.

In implementing this requirement, Job Corps centers must not discriminate among students on the basis of religion, religious belief, or lack thereof. Therefore, Job Corps centers must remain neutral in their treatment of various religions, must not require, or, based on religion, prohibit participation by any student in religious activities, and must neither encourage students in, nor discourage students from, belief in religion generally, or in any particular religion.

a. Respect for religious rights

Job Corps centers must ensure that each student has the right to worship, or not worship, as he or she chooses.

b. Religious activities permitted on center

1. Job Corps centers must permit students to express their views related to religion and to exercise their right to religious freedom. Job Corps centers must permit residents to engage in voluntary religious activities, including holding religious services, on center. Reasonable time, place and manner restrictions may be imposed, however.

¹ Applicants and students who have a record of a disability, or who are regarded as having a disability, are protected from discrimination by federal disability nondiscrimination laws. However, the laws do not entitle these people to the positive actions, such as reasonable accommodations, that must be provided to applicants and students with actual, current disabilities.

2. Job Corps centers must inform students about their rights to engage in religious activities on center. To the extent applicable, centers must also develop, and inform students about, procedures for scheduling (and monitoring, where appropriate) religious activities to ensure equitable allocation of space and other center resources. In preparing the calendar of recreational events and activities required by Chapter 3.21 (Recreational and Leisure Time Activities), Section R.1.a, Centers must include those on center religious services that are open to all students and/or supervised by Job Corps staff.

c. Religious Accommodations

1. Centers must develop, and inform students how to access, procedures for requesting religious accommodations (for example, special diet or exemption from Center activities or rules for religious reasons).
2. If a Center denies a request for a religious accommodation, the Center must:
 - (a) Explain to the student the reason for the denial, and any appeal rights and procedures; and
 - (b) Create and keep a record describing the request, indicating that the request was denied, and explaining the reason for the denial.

d. Transportation to local religious facilities

Job Corps centers may provide students with transportation to and from local religious facilities. The decision whether to provide transportation to a particular facility must not be based on religion. However, Job Corps centers may impose reasonable time, place, and manner restrictions. For example, a Job Corps center may decide that it will provide transportation only to facilities that are located within a particular distance from the center. If Job Corps centers choose to provide transportation to religious facilities, these centers must develop, and inform students about procedures for requesting such transportation. Note: Providing such transportation does not relieve Job Corps centers of the obligation in paragraph (b) to permit students to engage in voluntary religious activities on center.

e. No discrimination on the basis of religion

In providing Job Corps services, Job Corps centers must not discriminate against or favor a current or prospective student on the basis of religion or religious belief or lack thereof. This requirement does not preclude Job Corps centers from accommodating religion or religious belief (e.g., permitting exemptions from certain Job Corps center rules for students based on religious reasons) nor does it require Job Corps centers to give similar treatment or exemptions to students who desire “accommodations” for reasons unrelated to religion or disability (See R2, above, for information about accommodating students with disabilities). Job Corps centers are permitted to supervise on-center religious activities as appropriate to maintain good order and discipline, so long as Job Corps centers do not rely upon the religious (or non-religious) nature of an activity, or student gathering, in choosing which activities or gatherings to supervise.

f. Prohibited activities

The following activities are always prohibited on center, regardless of any religious motivation.

1. Acts of violence
2. Animal sacrifice
3. Performance of curses, hexes, or other rituals, or actions intended to harm others
4. Public nudity
5. Acts of self-mutilation or infliction of bodily harm
6. Use or display of weapons
7. Exclusion by race, ethnicity, color, or national origin
8. Sexual acts
9. Use, possession, or sale of controlled substances as defined under the Controlled Substances Act. Being under the influence of, using, or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines. Operating a motor vehicle while under the influence of alcoholic beverages, and being under the influence of or using alcoholic beverages.
10. Possession of unauthorized goods, as defined in the Job Corps regulations at 20 CFR 670.120, which include:
 - (a) Firearms and ammunition
 - (b) Explosives and incendiaries

- (c) Knives with blades longer than 2 inches
- (d) Homemade weapons
- (e) All other weapons and instruments used primarily to inflict personal injury
- (f) Stolen property
- (g) Drugs, including alcohol, marijuana, depressants, stimulants, hallucinogens, tranquilizers, and drug paraphernalia except for drugs and/or paraphernalia that are prescribed for medical reasons
- (h) Any other goods prohibited by a center operator in a student handbook

11. Coercion or harassment of anyone based on religion or lack thereof

g. When Federal support may be used to support inherently religious activity.

Except as described in this PRH, Job Corps centers must not use direct federal support for inherently religious activities such as worship, religious instruction, or proselytization.

At Job Corps facilities where there is such a degree of government control over the program environment that religious exercise would be significantly burdened absent affirmative steps by Job Corps operators (such as at isolated Job Corps facilities), program officials may take affirmative steps to ensure that program beneficiaries are able to exercise their religious freedom, including the use of direct federal support to provide access to religious services and activities where necessary to ensure the opportunity for exercise of religious rights. Indirect federal support – e.g., support received due to the exercise of genuine and independent choice by a Job Corps student – is not subject to these restrictions on providing Department of Labor (DOL) support to inherently religious activities.

Note: Center supervision of students engaged in religious activities and gatherings, to the extent such supervision occurs in a manner consistent with center supervision of students engaged in nonreligious activities and gatherings, does not constitute federal “support” for religious activities.

h. Religious organizations must be treated on a basis equal to that of other organizations.

Religious organizations are eligible on the same basis as any other organization to participate in Job Corps programs or activities. Job Corps centers must not discriminate against or favor an organization on the basis of the organization’s religious character or affiliation or lack thereof.

Religious organizations that participate in Job Corps programs must be permitted to maintain their religious identity. Religious organizations are permitted to use their facilities to provide services to Job Corps without removing or altering religious art, icons, scriptures, or other religious symbols from those facilities.

R5. Applicant/Student Complaints

Job Corps centers must develop and implement systems to respond to complaints of discriminatory treatment of students or applicants, or violation of civil or religious rights (including religious rights), which includes the following features:

- a. A designated, trained equal opportunity officer who will:
 1. Assist students and applicants in filing complaints with the center or with the DOL CRC.
 2. Attempt to informally resolve complaints filed with the Job Corps center.
 3. Document all complaints filed with the Job Corps center (including keeping a complaint log) and all actions taken in connection with complaints.
 4. Provide center-wide training and publicity.
 5. Ensure that student complainants are not subjected to retaliation or other adverse treatment.
 6. Provide written notice of students' right to file complaints, and written guidance to assist students in filing complaints.
 7. Advise students of appeal rights and procedures.
 8. Serve as the center's liaison with CRC.
 9. Monitor and investigate the Job Corps center's activities to make sure the center is complying with its nondiscrimination and equal opportunity obligations.
 10. Report directly to the appropriate official about equal opportunity matters.
 11. Undergo training to maintain competency.

- b. Complaint resolution procedures as specified in Appendix 602 (Civil Rights, including Religious Rights, and Non-Discrimination.)

R6. Access to Legal Services

Job Corps centers must provide students with information about the availability of legal assistance within the community at no cost to Job Corps, for those charged with a felony or misdemeanor.

R7. Student Legal Obligations

Job Corps centers must assist students in resolving minor legal obligations and civil fines or court-ordered restitution.

R8. Student Tort Claims

Job Corps centers must:

- a. Advise students of their status as Federal employees for purposes of the Federal Tort Claims Act, 28 CFR Part 15 and 20 CFR 670.905.
- b. Assist students in submitting claims to the regional office for damage, loss, or destruction of personal property, when the property is under the control and custody of the center, in accordance with the Federal Tort Claims Act, 28 CFR Part 15, in accordance with procedures described in Appendix 602.

QUALITY INDICATOR(S)

- Q1. The environment is free of harassment, intimidation, and discrimination.
- Q2. Students understand their rights and can describe the process for making a complaint of discrimination or harassment.
- Q3. Students understand and are satisfied with their ability to exercise their rights to religious freedom on and off-center.